

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13128, of Barrett M. Linde and Management and Development Associates (Waverly Taylor, Owner), pursuant to Paragraph 8207.2 of the Zoning Regulations, for a special exception under Section 3105.42 and 3307.2 to permit a new residential development in the R-5-A District comprising 29 flats (58 units) with common division walls from the ground up to be considered as 14 buildings at the premises 4603-4631 MacArthur Boulevard, N.W. (Square 1368, Lots 818, 819 and 825).

HEARING DATE: December 19, 1979  
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the northwest side of MacArthur Boulevard between Reservoir Road to the north and Q Street to the south, in an R-5-A zone district at premises known as 4603-4631 MacArthur Boulevard, N.W.
2. The subject site is presently vacant. The property fronts on MacArthur Boulevard and has a total land area of approximately 64,000 square feet. MacArthur Boulevard at this location has two way traffic with on-street permit parking from 7:00 a.m. to 6:30 p.m., Monday through Friday on the northwest side.
3. The applicants propose to construct twenty-nine flats containing fifty-eight units, in fourteen buildings in a fashion similar to that of row dwellings. Each flat will have a one-bedroom unit on the first floor and a two-bedroom unit on the second and third floors, with the built-in option to combine these two units into one large unit. No variances are requested.
4. To the north of the subject site is a single family dwelling in the R-1-B District; followed by 47th Place. To the east is MacArthur Boulevard, followed by the Georgetown Reservoir. To the south abutting the site is a U.S. Government water pumping station house, enclosed in a six foot high chain link fence. This house is followed by a succession of red brick apartment houses in the R-5-A District. To the west is an undeveloped wooded lot in the R-1-B District, followed by Charlestown Terrace and single family detached dwellings, which are at a much higher elevation than the subject site.

5. The average lot area per unit is approximately 1100 square feet. Open space exceeds the minimum requirements of the R-5-A District and the lot occupancy is approximately thirty per cent of the site.

6. The rear yard required is twenty feet in the R-5-A District and the applicants provide such a rear yard. Parking required is one space per unit and applicants comply with this requirement with an additional six spaces on site available for guest parking, for a total of sixty-four off-street parking spaces.

7. Access to the property will be from MacArthur Boulevard and vehicular access to all buildings will be provided by means of a private parking area. The underlying fee to the roadway will eventually be held by a condominium association or homeowners' association. Each unit will be assigned a parking space.

8. All utilities are in place to serve the property. The applicants have shown a landscape treatment of the buildings which calls for additional plantings and a wooden stockade screen fence to the rear of the west parking area. Each unit will have a separate patio and balcony.

9. The proposed development will be in keeping with the present character or future development of the neighborhood. The proposed use of the property for apartment units is compatible in an area containing mixed residential uses including the Foxhall Mews R-5-A development and a C-1 commercial district.

10. The site enjoys excellent transportation access by way of MacArthur Boulevard and is served by the D-3, D-4, D-8 and D-9 bus routes.

11. There are public recreational facilities located at the Palisades Recreational area and Hardy and Key Elementary Schools which are available to the residents of the site.

12. The parking layout provides for an aisle width of eighteen to twenty feet with ample turning radius for all cars. There are two dumpster locations for trash pickup with ample space for the trash trucks to maneuver into position. The applicant testified that each unit will also have a trash compactor.

13. Under Paragraph 3105.42 of the Zoning Regulations for the R-5-A District, the Board is required to review all new residential developments other than one-family detached or semi-detached dwellings and make findings with the standards set forth in that paragraph of the Zoning Regulations. Accordingly, the Board makes the following findings:

- a. The application was referred to the District of Columbia Board of Education for comment and recommendation on November 1, 1979. The Board of Education report indicated no objection to the project, and reported that the proposed construction will have no impact upon school facilities serving the area.
- b. The application was referred to the Department of Transportation on November 1, 1979. The Department, by memorandum dated December 14, 1979, reported two issues of concern. The Department was concerned that the width of driveway aisles and certain parking spaces were insufficient, and that trash pick-up spaces are also inadequate. The Board has addressed those issues in Finding of Fact No. 12. The Department also reported that the proposed development will not have a reasonable adverse impact on traffic operations on MacArthur Boulevard.
- c. The application was referred to the Department of Housing and Community Development by the Board for comment and recommendation on November 11, 1979. No report from the Department was received.
- d. The Board referred the application to the Office of Planning and Development for comment and recommendation on November 11, 1979. In a memorandum to the Board dated December 17, 1979, the Office of Planning and Development recommended approval of the application subject to the condition that the applicant submit for BZA review the underground water conditions at the site and information on what if any impact the development of this site would have on the underground water as it relates to the surrounding properties including the Georgetown Reservoir.
- e. The applicants have met all filing requirements and have submitted plans to the Board as required by the Zoning Regulations.

15. The applicant's architect testified that all ground water and storm water run-off problems have been addressed in the design of the project, and that if unforeseen conditions developed during construction, they would be addressed at that time. The architect testified that he anticipated no adverse effects on ground water or storm water run-off.

16. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above finding of facts and the evidence of record, the Board is of the opinion that the applicant has met all the requirements of Paragraph 3105.42 and Sub-sections 3307.2 and 8207.2 of the Zoning Regulations. The site plan was duly referred to the departments and agencies specified in Paragraph 3105.42 with either no comment, no objection or approval recommended by each of the departments or agencies, with the exception of the Department of Transportation. The site plan meets the specific criteria set forth in Paragraph 3105.42 and Sub-section 3307.2. Additionally, the Board finds that the project will be in harmony with the general intent and purpose of the Zoning Regulations and will not adversely effect the use of the neighboring property in accordance with the Zoning Regulations and Maps.

Accordingly, it is hereby ORDERED that this application is GRANTED SUBJECT to the CONDITION that ONE PARKING SPACE shall be SOLD WITH EACH UNIT.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; Charles R. Norris not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 7 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.